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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,773	10/02/2006	John Charles Holdsworth	CU-4643-RJS	7855
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EXAMINER KAMAL, SHAHID				
ART UNIT 3621		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/562,773

**Applicant(s)**

HOLDSWORTH, JOHN CHARLES

**Examiner**

SHAHID KAMAL

**Art Unit**

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 17-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Acknowledgements*

1. Claims 17-29 are remain pending and have been examined.
2. This Office Action is responsive to the amendment filed on April 10, 2008.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 17-29 are rejected under 35 U.S.C. 102(e) as anticipated by Asokan et al. (US Pub. No. 2002/0161723 A1) (“Asokan”).

5. Referring to claim 17, Asokan discloses the following:

a) receiving a purchase request message from the mobile device (“mobile station 20”), the purchase request message comprising an identifier for the cardholder (“user 10”) (see abstract, ¶¶ 0011, 0028, 0031, 0035, 0050);

Art Unit: 3621

- b) extracting the identifier from the purchase request message ("message 910") (see figures 2, 3, 5 & associated text, ¶¶ 0016, 0031, 0045);
- c) matching the identifier with a corresponding value stored in a remote database ("database 60") (see abstract, ¶¶ 0004, 0010, 0031, 0047, 0049);
- d) extracting cardholder ("user") data from the database based on the extracted identifier (see abstract, ¶¶ 0011, 0028, 0031, 0035, 0050);,
- e) simulating an internet browsing session between the cardholder ("user 10") and a Merchant ("seller 50") Plug-in URL (see abstract, figures 1, 12, & associated text, ¶¶ 0008, 0010, 0011, 0032, 0034, 0049, claims 1, 15);
- f) sending an authentication ("authentication 90") request message to an Issuer access control means by simulating an internet browsing session between the cardholder ("user 10") and the Issuer access control means (see abstract, figures 1, 12, & associated text, ¶¶ 0008, 0010, 0011, 0032, 0034, 0049, claims 1, 15);
- g) receiving a purchase authentication page from the Issuer access control means (see abstract, figures 1, 12, & associated text, ¶¶ 0008, 0010, 0011, 0032, 0034, 0049, claims 1, 15);
- h) extracting displayable information from the purchase authentication page and storing the purchase authentication web page (see abstract, figures 1, 12, & associated text, ¶¶ 0008, 0010, 0011, 0032, 0034, 0049, claims 1, 15);
- i) prompting the cardholder to enter his or her credentials (ID) (see abstract, ¶¶ 0004, 0010, 0031, 0047, 0049);
- j) receiving a message containing cardholder ("user 10") credentials and extracting cardholder ("user 10") credentials from the message (see abstract, ¶¶ 0004, 0010, 0031, 0047, 0049);

Art Unit: 3621

- k) parsing the stored purchase authentication page and recognizing the cardholder ("user 10") credential field(s) (see abstract, ¶¶ 0004, 0010, 0031, 0047, 0049);
- l) inserting the cardholder ("user 10") credentials into the purchase authentication page (see abstract, ¶¶ 0004, 0010, 0031, 0047, 0049);
- m) sending the populated purchase authentication page to the Issuer access control means (see abstract, figures 1, 12, & associated text, ¶¶ 0008, 0010, 0011, 0032, 0034, 0049, claims 1, 15); and
- n) receiving an authentication response message from the authentication system ("authentication mobile station 20") (see abstract, figures 1, 12, & associated text, ¶¶ 0008, 0010, 0011, 0032, 0034, 0049, claims 1, 15).

6. Referring to claim 18, Asokan further discloses which includes the following steps prior to sending an authentication request message to an Issuer access control means by simulating an internet browsing session between the cardholder and the Issuer access control means: receiving an authentication request message from the merchant (see abstract, ¶¶ 0003-0012).

7. Referring to claim 19, Asokan further discloses which includes the further steps of: forwarding the authentication response message to a Merchant control means (see abstract, ¶¶ 0003-0012); decoding and validating the authentication response (see abstract, ¶¶ 0003-0012); and generating an authorization request message and sending it to an Acquirer (see abstract, ¶¶ 0003-0012).

Art Unit: 3621

8. Referring to claim 20, Asokan further discloses wherein the mobile device is selected from the group comprising: mobile telephones, Personal Digital Assistants (PDA's) and laptop computers (see abstract, ¶¶ 0003-0012).
9. Referring to claim 21, Asokan further discloses wherein the technology used to submit a purchase request is taken from the group comprising: an Interactive Voice Response (IVR), Short message Services (SMS), SIM Toolkit (STK), Unstructured Supplementary Services Data (USSD) and Wireless Application Protocol (WAP) (see abstract, ¶¶ 0003-0012).
10. Referring to claim 22 Asokan further discloses wherein the mobile device operates in a network which makes use of a plurality of wired and/or wireless network transport mechanisms to route the purchase request, the plurality of network transport mechanisms including GSM, CDMA, TDMA, GPRS, 3G, Bluetooth, Infrared, RFID and PSTN (see abstract, ¶¶ 0003-0012).
11. Referring to claim 23, Asokan further discloses wherein the cardholder credentials are selected from a group comprising a PIN, user ID and/or password, a biometric reading, a pseudo random number, a cryptogram, and a digital signature (see abstract, ¶¶ 0003-0012).
12. Referring to claim 24, Asokan discloses the following:
- o) receiving means for receiving a purchase request message from the mobile device, the purchase request message comprising an identifier for the ' cardholder (see abstract, ¶¶ 0011, 0028, 0031, 0035, 0050);

Art Unit: 3621

- p) extracting means for extracting the identifier from the purchase request message (see figures 2, 3, 5 & associated text, ¶¶ 0016, 0031, 0045);
- q) matching means for matching the identifier with a corresponding value stored in a remote database (see abstract, ¶¶ 0004, 0010, 0031, 0047, 0049);
- r) means for extracting cardholder data from the database based on the extracted identifier (see abstract, ¶¶ 0011, 0028, 0031, 0035, 0050);
- s) means for simulating an internet browsing session between the cardholder and a Merchant Plug-in URL (see abstract, figures 1, 12, & associated text, ¶¶ 0008, 0010, 0011, 0032, 0034, 0049, claims 1, 15);
- t) means for sending an authentication request message to an Issuer access control means by simulating an internet browsing session between the cardholder and the Issuer access control means (see abstract, figures 1, 12, & associated text, ¶¶ 0008, 0010, 0011, 0032, 0034, 0049, claims 1, 15);
- u) means for receiving a purchase authentication page from the Issuer access control means (see abstract, figures 1, 12, & associated text, ¶¶ 0008, 0010, 0011, 0032, 0034, 0049, claims 1, 15);
- v) means for extracting displayable information from the purchase authentication page and storing the purchase authentication web page (see abstract, figures 1, 12, & associated text, ¶¶ 0008, 0010, 0011, 0032, 0034, 0049, claims 1, 15);
- w) means for prompting the cardholder to enter his or her credentials (see abstract, ¶¶ 0004, 0010, 0031, 0047, 0049);
- x) means for receiving a message containing cardholder credentials and extracting cardholder credentials from the message (see abstract, ¶¶ 0004, 0010, 0031, 0047, 0049);

Art Unit: 3621

y) means for parsing the stored purchase authentication page and recognizing the cardholder credential field(s) (see abstract, ¶¶ 0004, 0010, 0031, 0047, 0049);

z) means for inserting the cardholder credentials into the purchase authentication page (see abstract, ¶¶ 0004, 0010, 0031, 0047, 0049);

aa) means for sending the populated purchase authentication page to the Issuer access control means (see abstract, figures 1, 12, & associated text, ¶¶ 0008, 0010, 0011, 0032, 0034, 0049, claims 1, 15); and

bb) means for receiving an authentication response message from the authentication system (see abstract, figures 1, 12, & associated text, ¶¶ 0008, 0010, 0011, 0032, 0034, 0049, claims 1, 15).

13. Referring to claim 25, Asokan further discloses which further includes forwarding means for forwarding the authentication response message to a Merchant control means, which is arranged to decode and validate the authentication response and to then generate an authorization request message and send it to an Acquirer (see abstract, ¶¶ 0003-0012).

14. Referring to claim 26, Asokan further discloses wherein the mobile device is selected from the group comprising: mobile telephones, Personal Digital Assistants (PDA's) and laptop computers (see abstract, ¶¶ 0003-0012).

15. Referring to claim 27, Asokan further discloses wherein the technology used to submit a purchase request is taken from the group comprising: an Interactive Voice Response (IVR), Short message Services (SMS), SIM Toolkit (STK), Unstructured Supplementary Services Data



(USSD) and Wireless Application Protocol (WAP) (see abstract, ¶¶ 0003-0012).

16. Referring to claim 28, Asokan further discloses wherein the mobile device operates in a network that makes use of a plurality of wired and/or wireless network transport mechanisms to route the purchase request, the plurality of network transport mechanisms including GSM, CDMA, TDMA, GPRS, 3G, Bluetooth, Infrared, RFID and PSTN (see abstract, ¶¶ 0003-0012).

17. Referring to claim 29, Asokan further discloses wherein the cardholder credentials are selected from a group comprising a PIN, user ID and/or password, a biometric reading, a pseudo random number, a cryptogram, and a digital signature (see abstract, ¶¶ 0003-0012).

18. Although Applicant(s) use “means for” in the claim(s) (e.g. claim 17, & 24-29), it is the Examiner’s position that the “means for” phrase(s) do not invoke 35 U.S.C. 112 6<sup>th</sup> paragraph. If Applicant(s) concur, the Examiner respectfully requests Applicant(s) to either amend the claim(s) to remove all instances of “means for” from the claim(s), or to explicitly state on the record why 35 U.S.C. 112 6<sup>th</sup> paragraph should not be invoked.

19. Alternatively, if Applicant(s) desire to invoke 35 U.S.C. 112 6<sup>th</sup> paragraph, the Examiner respectfully requests Applicant(s) to expressly state their desire on the record. Upon receiving such express invocation of 35 U.S.C. 112 6<sup>th</sup> paragraph, the “means for” phrase(s) will be interpreted as set forth in the *Supplemental Examination Guidelines for Determining the Applicability of 35 USC 112 6<sup>th</sup>*.<sup>1</sup>

Art Unit: 3621

20. Failure by Applicant(s) in their next response to also address the 35 U.S.C. 112 6<sup>th</sup> paragraph issues in accordance with 37 C.F.R. §1.111(b) or to be non-responsive to this issue entirely will be considered a desire by Applicant(s) NOT to invoke 35 U.S.C. 112 6<sup>th</sup> paragraph. Unless expressly noted otherwise by the Examiner, the preceding discussion on 35 U.S.C. 112 6<sup>th</sup> paragraph applies to all examined claims currently pending.

### ***Response to Arguments***

21. Applicant's arguments filed on May 26, 2009 have been fully considered but they are not persuasive.

22. As per claims 17-29, Applicant argues "Asokan does not disclose receiving a purchase request message from the mobile device, the purchase request message comprising an identifier for the cardholder; extracting the identifier from the purchase request message; matching the identifier with a corresponding value stored in a remote database; extracting cardholder data from the database based on the extracted identifier; simulating an internet browsing session between the cardholder and a Merchant Plug-in URL; sending an authentication request message to an Issuer access control means by simulating an internet browsing session between the cardholder and the Issuer access control means; receiving a purchase authentication page from the Issuer access control means; extracting displayable information from the purchase authentication page and storing the purchase authentication web page; prompting the cardholder to enter his or her credentials; receiving a message containing cardholder credentials and extracting cardholder credentials from the message; parsing the stored purchase authentication page and recognizing the cardholder credential field(s); inserting the cardholder credentials into

Art Unit: 3621

the purchase authentication page; sending the populated purchase authentication page to the Issuer access control means; and receiving an authentication response message from the authentication system (response pages 7-12)”.

23. Asokan teaches receiving a purchase request message from the mobile device, the purchase request message comprising an identifier for the cardholder (see abstract, ¶¶ 0011, 0028, 0031, 0035, 0050); extracting the identifier from the purchase request message (see figures 2, 3, 5 & associated text, ¶¶ 0016, 0031, 0045); matching the identifier with a corresponding value stored in a remote database (see abstract, ¶¶ 0004, 0010, 0031, 0047, 0049); extracting cardholder (“user”) data from the database based on the extracted identifier (see abstract, ¶¶ 0011, 0028, 0031, 0035, 0050);, simulating an internet browsing session between the cardholder and a Merchant Plug-in URL (see abstract, figures 1, 12, & associated text, ¶¶ 0008, 0010, 0011, 0032, 0034, 0049, claims 1, 15); sending an authentication request message to an Issuer access control means by simulating an internet browsing session between the cardholder and the Issuer access control means (see abstract, figures 1, 12, & associated text, ¶¶ 0008, 0010, 0011, 0032, 0034, 0049, claims 1, 15); receiving a purchase authentication page from the Issuer access control means (see abstract, figures 1, 12, & associated text, ¶¶ 0008, 0010, 0011, 0032, 0034, 0049, claims 1, 15); extracting displayable information from the purchase authentication page and storing the purchase authentication web page (see abstract, figures 1, 12, & associated text, ¶¶ 0008, 0010, 0011, 0032, 0034, 0049, claims 1, 15); prompting the cardholder to enter his or her credentials (see abstract, ¶¶ 0004, 0010, 0031, 0047, 0049); receiving a message containing cardholder credentials and extracting cardholder credentials from the message (see abstract, ¶¶ 0004, 0010, 0031, 0047, 0049); parsing the stored purchase authentication page and recognizing

Art Unit: 3621

the cardholder credential field(s) (see abstract, ¶¶ 0004, 0010, 0031, 0047, 0049); inserting the cardholder ("user 10") credentials into the purchase authentication page (see abstract, ¶¶ 0004, 0010, 0031, 0047, 0049); sending the populated purchase authentication page to the Issuer access control means (see abstract, figures 1, 12, & associated text, ¶¶ 0008, 0010, 0011, 0032, 0034, 0049, claims 1, 15); and receiving an authentication response message from the authentication system (see abstract, figures 1, 12, & associated text, ¶¶ 0008, 0010, 0011, 0032, 0034, 0049, claims 1, 15).

### *Conclusion*

24. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

25. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shahid Kamal whose telephone number is (571) 270-3272. The

Art Unit: 3621

examiner can normally be reached on MONDAY through THURSDAY between the hours of 8:30 AM and 7 PM.

27. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for Regular/After Final Actions and 571-273-6714 for Non-Official/Draft.

28. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

29. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SK

August 29, 2009

/EVENS J. AUGUSTIN/

Primary Examiner, Art Unit 3621